

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Nov 13, 1997

Cynthia Hilton
Executive Director
Association of Waste Hazardous
Materials Transportation
2200 Mill Road
Alexandria, VA 22314

Dear Ms. Hilton,

As you know, Deputy Administrator Fred Hansen met with representatives of many small business concerns on September 10, 1997, as part of the Deputy Administrator's Small Business Roundtable. At that meeting, you raised the topic of using emulsifiers when emptying residues from hazardous waste containers.

In your letter to Michele Anders, of the Office of Solid Waste, date August 2, 1996, you discussed this issue in more detail. You indicate that highway tank trucks containing "heels" or residues of hazardous waste sometimes arrive at container cleaning facilities with high levels of flammable vapors. These vapors create potential safety hazards for the employees who enter the tank truck (or other container) in order to empty it. One method used as part of the cleaning process to reduce the danger of the vapors is to introduce an emulsifying agent, in solution with water, into the container. The emulsifier surrounds the flammable molecule to prevent the vaporization that creates a flammability hazard. As we understand it, emulsifiers are also commonly used at gasoline and oil spills to reduce air emissions and reduce the flammable atmosphere to safe levels. We also understand from your letter that the residue removed during the cleaning process will be repackaged into drums and transported to a treatment, storage or disposal facility (TSDF) using a manifest. You specifically asked whether the use of emulsifying agents to reduce the flammability of vapors as part of the process of cleaning a container constitutes treatment under the current RCRA regulations.

EPA would not consider the use of emulsifiers in this way to constitute hazardous waste treatment. This use of emulsifiers is not regulated treatment because it is simply part of the overall rinsing process, which EPA has previously stated does not amount to

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treatment when the intent is to remove the waste (see FR 78528 (Nov. 25, 1980)). Failing to add such an emulsifier agent may jeopardize the safety of the persons removing the residues, making it a necessary step in certain cleaning operations.

If you have further questions about the issues discussed in this letter, please contact Allen Maples, of my staff, who can be reached at (703) 308-8798.

Sincerely yours,

Michael Shapiro
Acting Deputy Assistant Administrator